

PATENT  
10/039,956  
Docket 091/009c

REMARKS

This paper is supplemental to the Amendment under 37 CFR § 1.116 filed September 15, 2004, which applicant understands has been entered into the file.

Following entry of this amendment, Claims 16, 37-62, and 65 are pending and under examination. The markings to the claims shown above reflect changes to the claims as they were presented in the September 15 Amendment.

The amendments to the claims are supported by the claims as previously presented, and throughout the specification. Use of a medium conditioned by fibroblast feeder cells is illustrated at several places in the specification, such as Example 1 (page 38 ff.). The claims maintain coverage for equivalents of the fibroblast feeder cells and the conditioned medium to the extent permitted under the Doctrine of Equivalents.

Further consideration and allowance of the application is respectfully requested.

Interview Summary:

The undersigned wishes to express his gratitude to Examiner Tháí-An N. Ton and Examiner Joseph Woitach for the helpful interview regarding this application held at the Patent Office on March 1, 2005. Possible amendments to the claims were discussed. This paper incorporates amendments and remarks presented during the interview.

Rejections under 35 USC § 112 ¶ 1:

The claims previously under examination stand rejected under the enablement requirement of § 112 ¶ 1. The Office Action indicates that the specification is enabling for methods of screening using pPS cells growing in a culture essentially free of feeder cells on an extracellular matrix in media conditioned by fibroblast feeder cells.

The claims are herein amended as recommended by the Examiners. The cells are explicitly involve culturing the hES cells *on an extracellular matrix in a medium conditioned by fibroblast feeder cells.*

Accordingly the rejection made in the previous Office Action is moot. Applicant maintains that the application as filed is enabling for further use of hES cells for drug screening, coverage for which will be pursued in a related application.

Withdrawal of this rejection is respectfully requested.

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Terminal Disclaimer

Certain claims were previously rejected for double patenting with respect to certain claims of pending applications USSN 10/157,288 (docket 094/011); 10/087,473 (docket 090/003); 10/087,142 (docket 093/005); 10/313,739 (docket 132/002); and 10/189,276 (docket 098/003). None of these applications is as far advanced in prosecution as the present application. It is expected that the present application will be allowed at an earlier date.

Applicant hereby voluntarily files a Terminal Disclaimer with respect to U.S. Patent 6,506,574.

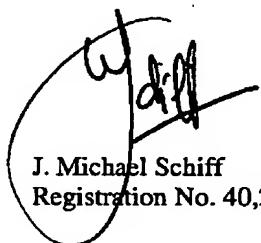
The application is believed to be in condition for allowance, which is respectfully requested. Should the Examiner determines that there are other matters to be addressed, applicant hereby requests a further interview by telephone.

Fees Due

Accompanying this Amendment are papers authorizing the Commissioner to charge the fee for the extension of time to applicant's deposit account.

Should the Patent Office determine that an extension of time or any other relief is required for further consideration of this application, applicant hereby petitions for such relief, and authorizes the Commissioner to charge the cost of such petitions and other fees due in connection with the filing of these papers to Deposit Account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,



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*Facsimile Transmittal Sheet*

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